

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

UPTOWN SERVICE STATION, INC.

Plaintiff,

v.

**ARCH INSURANCE COMPANY, and
MCNEIL & COMPANY, INC.,**

Defendants.

)
)
) **State Case No.: 2017-L-012464**
) (Circuit Court of Cook County)
)
) N.D. Ill. Case No.: 18-cv-175
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NOTICE OF REMOVAL

Defendants, Arch Insurance Company (“Arch”) and McNeil & Company, Inc. (“McNeil”), by and through their undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441(a), and 1446(a), hereby file this Notice of Removal of this action from the Circuit Court of Cook County, Illinois, in which it is now pending, to the United States District Court for the Northern District of Illinois, Eastern Division. In support of their Notice of Removal, Defendants state as follows:

1. On December 7, 2017, Plaintiff, Uptown Service Station, Inc. (“Plaintiff”), commenced a civil action against Defendants Arch and McNeil, in the Circuit Court of Cook County, Illinois, Case Number 2017-L-012464 (the “State Court Action”).

2. The Summons and Plaintiff’s Complaint were received by the Illinois Department of Insurance, in its capacity as Defendant Arch’s agent for service of process, on December 11, 2017. Copies of the Summons and Plaintiffs’ Complaint are attached hereto as Exhibit A.

3. The Summons and Plaintiff’s Complaint were served upon Defendant McNeil on December 14, 2017.

BASIS FOR FEDERAL JURISDICTION

4. This court has original jurisdiction of this action under 28 U.S.C. § 1332 because there is complete diversity of citizenship between Plaintiff and Defendants, and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00. *See* 28 U.S.C. § 1441.

5. Removal to the United States District Court for the Northern District of Illinois, Eastern Division, is proper because it is the district and division embracing the place where the removed action was pending. 28 U.S.C. § 1441(a).

DIVERSITY OF CITIZENSHIP

6. Plaintiff is a citizen of Illinois as it is incorporated in Illinois and has its principal place of business in Illinois.

7. Defendant Arch is a citizen of Missouri, as it is incorporated in Missouri and has its principal place of business in New Jersey.

8. Defendant McNeil is a citizen of New York, as it is incorporated in New York and has its principal place of business in New York.

9. Complete diversity of citizenship exists between Plaintiff and Defendants.

AMOUNT IN CONTROVERSY

10. Plaintiff's Complaint seeks monetary damages for breach of contract and violation of Section 155 of the Illinois Insurance Code arising out of an insurance claim for damage to Plaintiff's property allegedly caused by a partial collapse of a building in March of 2016. The breach of contract count of the Complaint alleges that the breach "was and is the direct proximate cause of loss to Plaintiff in an amount in excess of \$75,000." Exhibit A, Plaintiff's Complaint, ¶

11.

REMOVAL PROCEDURE

11. This Notice of Removal is timely because it was filed within thirty (30) days after receipt of Plaintiff's initial pleading by the Illinois Department of Insurance, in its capacity as Arch's agent for service of process, on December 11, 2017. *See* 28 U.S.C. § 1446(b)(1).

12. Promptly after filing this Notice of Removal, Defendants will provide written notice thereof to Plaintiff and will file a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois. *See* 28 U.S.C. §1446(d).

WHEREFORE, Defendants hereby remove the State Court Action pending as Case No. 2017-L-012464 in the Circuit Court of Cook County, Illinois to this Honorable Court.

Dated: January 10, 2018

Respectfully submitted,

By: /s/ Michael L. Foran
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*Attorneys for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that January 10, 2018, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing.

/s/ Michael L. Foran

Michael L. Foran

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